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# HOUSE BILL No. 1030

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-1.5-4.

**Synopsis:** Local government reorganization. Specifies that a reorganization committee acting under the local government reorganization statutes must include in its reorganization plan and in other materials provided to the public a statement regarding: (1) whether a fiscal impact analysis concerning the proposed reorganization has been prepared by or on behalf of the reorganization committee; and (2) whether a fiscal impact analysis concerning the proposed reorganization has been made available to the public. Requires such a statement to be included in the referendum language for the proposed reorganization.

**Effective:** Upon passage.

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January 5, 2010, read first time and referred to Committee on Government and Regulatory Reform.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

## HOUSE BILL No. 1030

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-1.5-4-18, AS ADDED BY P.L.186-2006,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 18. (a) A reorganization committee shall  
4 prepare a comprehensive plan of reorganization for the reorganizing  
5 political subdivisions. The plan of reorganization governs the actions,  
6 duties, and powers of the reorganized political subdivision that are not  
7 specified by law.  
8 (b) The plan of reorganization must include at least the following:  
9 (1) The name and a description of the reorganized political  
10 subdivision that will succeed the reorganizing political  
11 subdivisions.  
12 (2) A description of the boundaries of the reorganized political  
13 subdivision.  
14 (3) Subject to section 40 of this chapter, a description of the  
15 taxing areas in which taxes to retire obligations of the  
16 reorganizing political subdivisions will be imposed.  
17 (4) A description of the membership of the legislative body, fiscal



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body, and executive of the reorganized political subdivision, a description of the election districts or appointment districts from which officers will be elected or appointed, and the manner in which the membership of each elected or appointed office will be elected or appointed.

(5) A description of the services to be offered by the reorganized political subdivision and the service areas in which the services will be offered.

(6) The disposition of the personnel, the agreements, the assets, and, subject to section 40 of this chapter, the liabilities of the reorganizing political subdivisions, including the terms and conditions upon which the transfer of property and personnel will be achieved.

(7) Any other matter that the:

(A) reorganization committee determines to be necessary or appropriate; or

(B) legislative bodies of the reorganizing political subdivisions require the reorganization committee;

to include in the plan of reorganization.

(8) In the case of a reorganization described in section 1(a)(9) of this chapter, if the legislative bodies of the reorganizing political subdivisions have specified that the vote on the public question regarding the reorganization shall be conducted on a countywide basis under section 30(b) of this chapter with a rejection threshold, the reorganization committee shall include in the reorganization plan a rejection threshold, specified as a percentage, that applies for purposes of section 32(b) of this chapter. The rejection threshold must be the same for each municipality that is a party to the proposed reorganization and to the county that is a party to the proposed reorganization.

(9) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee shall determine and include in the reorganization plan the percentage of voters voting on the public question regarding the proposed reorganization who must vote, on a countywide basis, in favor of the proposed reorganization for the public question to be approved. This percentage is referred to in this chapter as the "countywide vote approval percentage". The countywide vote approval percentage must be greater than fifty percent (50%).

**(10) The statement required by subsection (e).**

(c) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee may not change the decision of

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the legislative bodies of the reorganizing political subdivisions regarding whether the vote on the public question regarding the reorganization shall be conducted on a countywide basis without a rejection threshold or with a rejection threshold.

(d) Upon completion of the plan of reorganization, the reorganization committee shall present the plan of reorganization to the legislative body of each of the reorganizing political subdivisions for adoption. The initial plan of reorganization must be submitted to the legislative body of each of the reorganizing political subdivisions not later than one (1) year after the clerk of the last political subdivision that adopts a reorganization resolution under this chapter has certified the resolution to all of the political subdivisions named in the resolution.

**(e) A reorganization committee must include in the plan of reorganization and in any other material the reorganization committee provides to the public a statement of:**

**(1) whether a fiscal impact analysis concerning the proposed reorganization has been prepared or has not been prepared by or on behalf of the reorganization committee; and**

**(2) whether a fiscal impact analysis concerning the proposed reorganization has been made available or has not been made available to the public by or on behalf of the reorganization committee.**

SECTION 2. IC 36-1.5-4-28, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. **(a)** A public question under this chapter shall be placed on the ballot in all of the precincts that are located in the reorganizing political subdivisions in substantially the following form:

"Shall \_\_\_\_\_ (insert name of political subdivision) and \_\_\_\_\_ (insert name of political subdivision) reorganize as a single political subdivision?"

**(b) The ballot language of a public question under this chapter must also include a statement, as certified by the reorganization committee, of:**

**(1) whether a fiscal impact analysis concerning the proposed reorganization has been prepared or has not been prepared by or on behalf of the reorganization committee; and**

**(2) whether a fiscal impact analysis concerning the proposed reorganization has been made available or has not been made available to the public by or on behalf of the reorganization committee.**

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1        **SECTION 3. An emergency is declared for this act.**

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